

FIL
JAN 23 2018
Matthew E. Clark
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

LINDA R. PERRIN,

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CIV 16-4178

Plaintiff,

*

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vs.

ORDER

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

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Defendant.

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This Court referred the case to the United States Magistrate for the purpose of issuing a Report and Recommendation. The Magistrate Judge has recommended that the Commissioner's denial of benefits be reversed and remanded for reconsideration pursuant to 42 U.S.C. § 405(g), sentence four.

A sentence four remand is proper when the district court makes a substantive ruling regarding the correctness of the Commissioner's decision and remands the case in accordance with such ruling. *Buckner v. Apfel*, 213 F.3d 1006, 1010 (8th Cir. 2000). Remand with instructions to award benefits is appropriate "only if the record overwhelmingly supports such a finding." *Buckner* at 1011.

Even though no objections have been filed to the Report and Recommendation, the Court has carefully conducted a *de novo* review of the Magistrate Judge's Report and Recommendation and the record of the administrative proceedings. After having reviewed the record including the briefing by the parties subsequent to the entry of the Decision of the Commissioner, the Court agrees with the Magistrate Judge's Report and Recommendation. Accordingly,

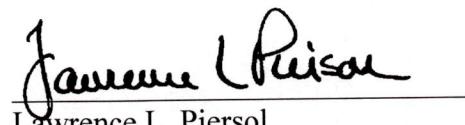
IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation, Doc. 17, is ADOPTED by the Court.

2. That Plaintiff's Motion to Reverse Decision of the Commissioner, Doc. 13, is GRANTED.
3. That the Commissioner's decision is REVERSED and REMANDED to the Commissioner for reconsideration pursuant to 42 U.S.C. § 405(g), sentence four.

Dated this 23rd day of January, 2018.

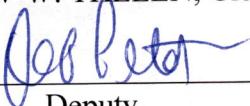
BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

MATTHEW W. THELEN, Clerk

By 

Jeff Petot
Deputy